



# New Hampshire Housing and Conservation Planning Program

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**ADVISORY BOARD MEETING**  
**Monday, September 10, 2007 and**  
**Friday, September 14, 2007**  
**Office of Energy and Planning**  
**57 Regional Drive, Concord, NH**

## **FINAL MINUTES**

### **MEMBERS PRESENT SEPTEMBER 10, 2007**

Senator Martha Fuller Clark, HCPP Advisory Board Chair, appointed by NH State Senate  
Maura Adams, The Jordan Institute, appointed by The Jordan Institute  
Richard Ball, Cirtronics Corporation, appointed by Business and Industry Association of NH  
Representative Timothy Butterworth, appointed by NH House of Representatives  
Dean Christon, NH Housing Finance Authority, appointed by NH Housing Finance Authority  
Christopher Closs, C.W. Closs & Co., appointed by NH Main Street Program  
Jeffrey D. Gilbert, W.J.P. Development, LLC, appointed by NH Preservation Alliance  
Ellen Kambol, Windy Hill Associates, appointed by NH Community Loan Fund  
Richard Minard, NH Audubon, appointed by NH Audubon  
William Norton, Norton Asset Management, appointed by Land and Community Heritage Commission  
Kenneth Ortmann, Rochester Dept. of Planning and Development, appointed by NH Municipal Association  
Representative Andrew Peterson, appointed by NH House of Representatives  
David Preece, Southern NH Planning Commission, appointed by NH Association of Regional Planning  
Commission Executive Directors  
Chris Stewart, Land Mark Planning & Development, appointed by Home Builders and Remodelers  
Association of NH  
Chris Wells, Society for the Protection of NH Forests, appointed by Society for the Protection of NH Forests

### **OTHERS PRESENT**

Jennifer Czysz, NH Office of Energy and Planning, appointed as program administrator

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## **I. ROLL CALL AND INTRODUCTIONS**

Mr. Christon called the meeting to order at 9:35 AM on September 10, 2007 at the NH Office of Energy and Planning, 57 Regional Drive, Concord, NH.

Advisory Board members briefly introduced themselves for the benefit of those unable to attend the August 28, 2007 meeting.

## **II. MINUTES**

**ACTION:** MOVED by Mr. Closs, seconded by Mr. Gilbert, THAT the minutes of the Advisory Board meeting held on August 28, 2007 be approved. The motion passed unanimously by a vote of 13-0.

Mr. Gilbert noted that it is important that this endeavor be coupled with the provision of educational outreach to dispel myths and promote the benefits of jointly planning for housing and conservation. Ms. Czysz reviewed the ongoing outreach efforts by the Office of Energy and Planning (OEP) and the Growth and Development Roundtable, as well as, ongoing planning board training initiatives by OEP's Municipal and Regional Planning Assistance Program. Mr. Christon noted that the Growth and Development Roundtable is beginning to identify additional education mechanisms to promote the principles of planning for housing and conservation.

## **III. ADMINISTRATIVE RULES**

The Advisory Board reviewed the draft administrative rules dated September 5, 2007 and distributed by email on that same date. Conversation on September 10, 2007 began with the first section of the rules on page one and was completed through section Pln 1005.03 "Eligible Technical Assistance" on pages four and five.

Notable decisions reached include:

- PART Pln 1002, *page 1* – Add a definition of "conservation" that includes both natural and historic resource protection.
- PART Pln 1002, *page 1* – Add a definition of "area median income" that references the HUD specific areas.
- PART Pln 1002, *page 2* – The definition of "match" should remove volunteer time and add in kind services from the municipality linked directly to the project.
- PART Pln 1002, *page 2* – The definition of "professional planning staff" should include both municipal and contract employees.
- Pln 1003.01 (c), *page 3* – The role of the director was viewed to be too restrictive as worded and read such that the director was to redo the application scoring using the same criteria as staff had utilized. The director should not be perceived as scoring and awarding grants independently or as a single entity. The director's role should be to review the scoring recommendations of OEP staff to ensure it is consistent with the program's intent and criteria. At which point, if the scoring is deemed inconsistent, the director may request staff revise the score. The director will ultimately award grants and determine funding levels based upon the final OEP staff scoring recommendation.
- PART Pln 1004, *page 3* – The title should be shortened to "Advisory Board Procedures" and references to Advisory Board "hearings" should be changed to "meetings."

- Pln 1005.03, *page 4* – Move paragraph (e) to the first paragraph of the section titled “Eligible Technical Assistance” where a list of requirements for all grant stages should be provided. Paragraph (e), when moved, should be edited to require the communication and outreach be conducted at the beginning of project work to solicit community participation and at the end of the process to report back to the community in addition to being conducted throughout the process.
- Pln 1005.03, *page 4* – All grant stage applications should be required to make project information available to OEP with the intent that it will be publicly shared and used as case studies for future applicants.
- Pln 1005.03, *page 4* – Add a provision to permit other activities, as reviewed and approved by OEP, that are not included within the lists of eligible technical assistance.
- Pln 1005.03 (a) (6), *page 4* – Add floodplains, steep slopes, and wildlife habitats to the list of natural resource based land use values.
- Pln 1005.03 (a) (9), *page 4* – The preparation of a report should be a required of all stage one applications.
- Pln 1005.03 (a) (10), *page 4* – This item should be revised as “assess the potential impacts of climate induced changes.”
- Pln 1005.03 (a), *page 4* – Add “conduct visioning sessions and initial project outreach to understand the community’s interests” to the list of permitted activities.
- Pln 1005.03 (a), *page 4* – Add “assess the impacts and opportunities of the transportation network, including alternate modes of travel” to the list of permitted activities.
- Pln 1005.03 (b) (3), *page 4* – This item should be revised as “conduct public meetings to develop and seek support for the growth and development strategy.
- Pln 1005.03 (b), *page 4* – Add as a new item: “Identify areas for development or conservation in light of anticipated climate induced changes.”

Other notable decisions reached and not specifically attributable to a section of the rules include:

- Per statute, only municipalities may apply for grants. Applications may not originate from non-profit organizations.
- Master plan updates allowed as a part of Stage 3 grants are limited to those sections relevant to the community’s growth and development strategy and achieving the HCPP principles.
- Grant funds may not be used to prepare a single site plan, such as a feasibility study for the reuse of a historic structure. The intent of planning at the site level, as noted in RSA 4-C:30 is to assess housing and conservation as it relates to various and multiple individual site level locations in the community, along with a community and regional analysis.

At 11:30 AM board members unanimously decided to continue the meeting to Friday September 14, 2007, 1:00 PM, at the Office of Energy and Planning.

**MEMBERS PRESENT SEPTEMBER 14, 2007**

Maura Adams, The Jordan Institute, appointed by The Jordan Institute  
Representative Timothy Butterworth, appointed by NH House of Representatives  
Dean Christon, NH Housing Finance Authority, appointed by NH Housing Finance Authority  
Jeffrey D. Gilbert, W.J.P. Development, LLC, appointed by NH Preservation Alliance  
Richard Minard, NH Audubon, appointed by NH Audubon  
Kenneth Ortmann, Rochester Dept. of Planning and Development, appointed by NH Municipal Association  
David Preece, Southern NH Planning Commission, appointed by NH Association of Regional Planning  
Commission Executive Directors  
Chris Wells, Society for the Protection of NH Forests, appointed by Society for the Protection of NH Forests

**OTHERS PRESENT**

Jennifer Czysz, NH Office of Energy and Planning, appointed as program administrator

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The meeting was reconvened at 1:05 PM on September 14, 2007.

**I. ADMINISTRATIVE RULES**

The Advisory Board continued to review the draft administrative rules dated September 5, 2007 and distributed by email on that same date. Conversation on September 14, 2007 began with Pln 1005.03 “Eligible Technical Assistance” on pages and continued through to the scoring criteria beginning on page 8.

Notable decisions reached include:

- Pln 1005.03 (a) to (d), *pages 4 and 5* – After careful consideration it was decided that the descriptions or lists of eligible activities should reiterate the language on eligible technical assistance as stated in RSA 4-C:27 noting the eligible activities listed in statute are the minimums required of each stage. Therefore, the lists in each paragraph should be reduced and remove additional items identified.
- Pln 1005.03, *page 4* – Retain the provision to allow additional activities as reviewed and approved by OEP.
- Pln 1005.03, *page 4* – Add a provision at the beginning that states that all minimum requirements must be completed before moving on to or applying for successive grant stages.
- Pln 1005.03 (f), *page 5* – Delete (2) “Political activities” since the seeking of popular support of a planning strategy and adoption of new regulations through town meeting is a form of political activity and required of grant applicants.
- Pln 1005.03 (f), *page 5* – Combine (3) and (4) to read “acquisition and/or rehabilitation of buildings or real property.”
- Pln 1005.05, *page 6* – All members present agreed that the maximum grant awards listed was insufficient for stages 1 through 3. All members agreed that the maximum award for stage 4 was sufficient. Alternative maximum grant awards were suggested as \$12,000 for stages 1 and 2 and \$15,000 for stage 3 based upon a low or minimum estimate to complete the work in each

stage. For all three stages no more than \$20,000 should be considered as the maximum grant amount. The regional planning commissions felt the change to \$12,000 and \$15,000 for stages 1 to 3 would be adequate to meet their fees. Ms. Czysz will contact various private planning consultants to inquire what their fees might be for stages 1 through 3.

- Pln 1005.05, *page 6* – With the exception of stage 1, all board members agreed with the proposed percent match requirements. A compromise was struck between those who preferred no match in stage 1, to draw in participants, with those who either felt strongly that a match demonstrated community investment or was mandated by the statute (RSA 4-C:27, I “The program shall award matching grants.”) Final decision was a change to a 95 percent grant with a 5 percent match.
- Pln 1006.01 (a), *page 6* – Revise the paragraph to state that applications will be accepted and reviewed once during fiscal year 2008 and then twice per successive fiscal year.
- Pln 1006.02, *page 7* – Add an item to the application form to require description of the technical assistance procurement process including the fees associated non-selected third party technical assistance providers and rational/method for selecting the technical assistance provider.
- Pln 1007.01 (b), *page 8* – Combine items (2) and (4) into a single item to read “A request for modifications to or elimination of activities that do not conform to the HCPP principles as stated in RSA 4-C:30.”
- Pln 1007.01 (b) (3), *page 8* – The ability to reduce funding should be moved to Pln 1007.03 “Funding Determinations” and clarified so that reduced funding is either a result of an application that’s proposed budget is clearly inflated relative to the approved scope of work, the proposed budget requests funding for work that is not consistent with the principles of the HCPP, or insufficient grant funds are available to cover the requested grant amount.
- Pln 1007.02, *page 8* – Board members recommended simplicity as in paragraph (2) but saw the need for additional flexibility in scoring, as in paragraph (a). There was a question, though, as to how an applicant could “strongly exceed” the criteria as used in the proposed scoring under paragraph (a).

Other notable decisions reached not specifically attributable to a section of the rules include:

- Application guidance documents should provide a list of other activities that a municipality might consider doing in addition to the minimum grant stage requirements. These would be additional activities OEP would consider under the rules provision allowing alternate work to be reviewed and approved if it is consistent with the program principles.
- Application guidance documents should note that applicants may have a consultant or regional planning commission prepare the application for them, however, the application must ultimately be signed and submitted by the municipality.

Ms. Czysz will incorporate all changes to the draft administrative rules from the September 10 and 14, 2007 meetings and distribute a revised draft to board members by Tuesday September 18, 2007. Board members will submit suggested revisions to Ms. Czysz, by September 24, 2007 via email. Rather than begin to review the scoring criteria of Pln 1007.02 at the end of the September 14, 2007

meeting, board members decided to scrutinize this section of the draft and email suggested changes to Ms. Czysz along with other suggested changes for September 24<sup>th</sup>.

## **II. MEETING SCHEDULE**

The board members decided upon the following meeting schedule:

October 1, 2007: 9:30AM to 11:30 AM – administrative rules working session  
October 15, 2007: 9:30AM to 11:30 AM – administrative rules working session  
October 29, 2007: 9:30AM to 11:30 AM – review progress / finalize rules discussion  
November 26, 2007: 9:30AM to 11:30 AM – preparations for administrative rules public hearing  
December 17, 2007: 6:00 PM to 7:00 PM – tentative public hearing date

*All meetings will be held at the Office of Energy and Planning, 57 Regional Drive, Concord, NH, unless otherwise noticed.*

## **III. ADJOURNMENT**

The meeting adjourned at 3:05 PM.

Respectfully Submitted,

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Jennifer Czysz, Senior Planner  
Office of Energy and Planning

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